

CRP 35-0301

COMPLAINTS RESOLUTION PANEL DETERMINATION

Complaint 35-0301 (Swisse Calverv)

The complaints

1. A complaint was made that an advertisement for Swisse Calverv published in the November 2000 issue of Women's Weekly contained an expired approval number.
2. In response, the sponsor said this was "an overlook on our part" and that it would ensure that the advertisement was not used again.
3. The advertisement carried the approval number NFAA 10369-98/03. This was an interim approval number issued by mistake on 5 March 1998 and subsequently rectified to NFAA 10370-98/03 later that day. It was likewise valid for 2 years.

Panel consideration

4. Section 42D(5)(c) of the Therapeutic Goods Act prohibits a person from publishing an approved advertisement with an approval number that has expired. Clause 4.1.1(a) of the Code requires an advertisement for therapeutic goods to comply (inter alia) with the statute law of the Commonwealth. The Panel finds the advertisement to be in breach of this clause of the Code and accordingly finds that complaint justified.

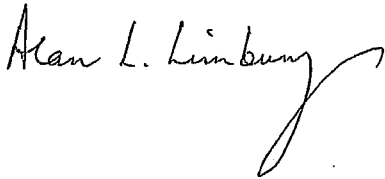
Sanctions

5. In accordance with subregulation 42ZCAI(1) of the Therapeutic Goods Regulations, the Panel requests Swisse Natural Health Care Pty Ltd:-
 - (a) to withdraw the advertisement from further publication;
 - (b) to publish in the next available issue of Women's Day a correction in the terms and in the form set out in the attachment to this determination; and
 - (c) within 14 days of being notified of this request, to provide evidence to the Panel of its compliance, such as copies of instructions to advertising agents or publishers.
6. Attention is drawn to the provisions of subregulations 42ZCAI(3) and (4) which permit the Panel to make recommendations to the Secretary in the event of non-compliance with this request, including a recommendation that the product be delisted. The sponsor is put on notice that, having regard to the number of complaints that have been upheld against it [1-499(2), 8-399, 9-499, 15-699, 1-900 and 6-700] which demonstrate the sponsor's clear and continuing awareness of the requirements of the Regulations and the Code, the Panel

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is minded to recommend immediate delisting should the sponsor fail to comply fully with this request within the time specified.

Dated 31st May 2001.

For the Panel

A handwritten signature in black ink, appearing to read "Alan L. Limbury". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Alan L Limbury
Chairman

CORRECTION

Under the Therapeutic Goods Advertising Code, advertisements in mainstream media for therapeutic goods must be approved before publication, for compliance with the Code. The aim of the Code is to ensure that the marketing and advertising of therapeutic goods to consumers is conducted in a manner that promotes the quality use of therapeutic goods, is socially responsible and does not mislead or deceive consumers.

An advertisement for Swisse Calvex published in Women's Day in November 2000 bore an expired approval number. Because approval has not been renewed the advertisement should not have been published.

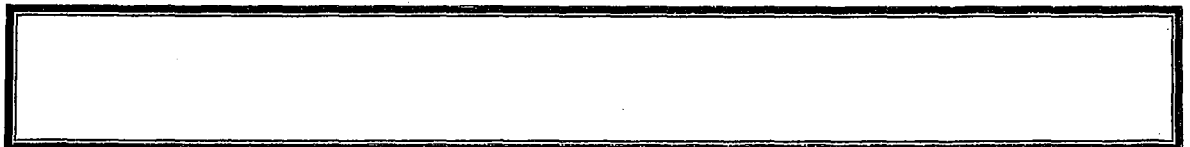
This correction is published by Swisse Natural Health Care Pty Ltd at the request of the Complaints Resolution Panel established under the Therapeutic Goods Regulations.

Size: The same as for the advertisement published in the Women's Weekly, November 2000, i.e. a full-page advertisement.

Font: Heading
Type: Times New Roman
Size: 36 point
Case: Upper
Bold

Text
Type: Times New Roman
Size: 22
Case: Sentence
Bold

Text Box: double - 3 pt



Distance from text:
Top and bottom 30 pt
Left and right 10 pt